IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3228 OF 2006
IN
FIRST APPEAL NO.1193 OF 2006

Smt Shaila Vitthal Dhaniwale & Ors. ...Applicants

Versus

Maharashtra State Electricity
Distribution Co Ltd & Anr. ...Respondents

WITH
CIVIL APPLICATION NO.1957 OF 2006
IN
FIRST APPEAL NO.1193 OF 2006

Maharashtra State Electricity
Distribution Co Ltd & Anr. ...Applicants

Versus

Smt Shaila Vitthal Dhaniwale & Ors. ...Respondents

Shri Arfan Sait for the Applicants in both the Applications.
Shri A.R.S. Baxi for the Respondents in both the Applications.

CORAM : A. S. OKA, J.
DATE : JANUARY 25, 2007.

P.C.:

1. The decretal amount has been deposited by the Maharashtra State Electricity Distribution Company Ltd which is the Appellant in First Appeal No.1193 of 2006. The original plaintiffs will be entitled to withdraw the said amount. However, they will have to furnish adequate security.

2. Hence, Applications are disposed of by passing following order:

(i) The original plaintiffs are permitted to withdraw the decretal amount subject to furnishing adequate security for the said amount to the satisfaction of the trial Court. The trial Court will hear the Maharashtra State Electricity Distribution Company Limited before accepting the security.

(ii) If the amount is not withdrawn by the original plaintiffs on furnishing adequate security within a period of six months from today, the trial Court will invest the said amount in fixed deposit in any nationalised bank initially for a period of five years and thereafter fixed deposit shall be renewed from time to time till the disposal of the Appeal.

(iii) Applications are disposed of in above terms.

JUDGE